

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:	)	
	)	Case No. 13-36273-gmh
STEPHANIE BURGESS,	)	Chapter 13
	)	
Debtor.	)	

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**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

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Stephanie Burgess has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue, Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Nathan E. DeLadurantey  
DeLadurantey Law Office, LLC  
735 W. Wisconsin Avenue, Suite 720  
Milwaukee, WI 53233

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

## REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
  - A.   X   the Debtor;
  - B.        the Chapter 13 Trustee (post-confirmation modifications only);
  - C.        the holder of an unsecured claim (Name:) (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
  - A.        post-confirmation;
  - B.   X   pre-confirmation (Select i. or ii.);
    - i.        Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
    - ii.   X   Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: Select Portfolio Servicing, City of Milwaukee.
3. The Proponent wishes to modify the Chapter 13 Plan to do the following:  
Surrender homestead property; modify special provisions.
4. The reason(s) for the modification is/are:
5. Select A. or B.
  - A.        The Chapter 13 Plan confirmed or last modified on    is modified as follows:
  - B.   X   The unconfirmed Chapter 13 Plan dated January 7, 2014 is modified as follows:

### 2. Plan Payments and Length of Plan.

Beginning with the month of June 2014, the debtor shall pay \$145 every two weeks to the Trustee via periodic payroll deductions.

**6(C). Surrender of Collateral.** This Plan shall serve as notice to creditor(s) of Debtor's intent to surrender the following collateral. Any secured claim filed by a secured lien holder whose collateral is surrendered at or before confirmation will have their secured claim treated as satisfied in full by the surrender of the collateral.

(a) Creditor	(b) Collateral to be surrendered
LaSalle Bank, NA; serviced by: Select Portfolio Servicing	homestead located at 3936 N. 53rd St., Milwaukee
City of Milwaukee - Treasurer	homestead located at 3936 N. 53rd St., Milwaukee

**6(A)(ii)(b). Secured Claims - Replacement Value.**

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value/Debt	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
IRS	Tax Lien	N/A	Debt: \$0.00	3%	%pro-rata	\$0.00
Wisconsin Department of Revenue	Tax Lien		\$5,098.00	12%		\$6,450.00

**10. Special Provisions.** Notwithstanding anything to the contrary set forth above, the Plan shall include the provisions set forth below.

(A) Attorneys' fees are to be paid at the rate of all available funds at confirmation. After confirmation, Attorney's fees shall be paid at one-half of available funds (less trustee fees) each month. If all secured claims have been paid in full, Attorneys are to receive all available funds (less trustee fees) each month until paid in full. Allowed Secured Creditors will receive post confirmation payments at the rate of one-half of all available funds (less trustee fees)

**(B) This provision is omitted.**

(C) The debtor shall turn over to the Trustee the greater of one-half or the non-exempt portion of proceeds received from her claim against the State for erroneous withholding of child care payments.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

**CERTIFICATION**

I, Nathan E. DeLadurantey, attorney for debtor, Stephanie Burgess, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file it with the court.

/s/ Nathan E. DeLadurantey

Counsel for the debtors

July 16, 2014

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: July 16, 2014.

DeLadurantey Law Office, LLC  
Attorneys for Debtor

/s/  
By: Nathan E. DeLadurantey  
State Bar No. 1063937

Drafted by:  
Daniel T. Beasley  
SBN 1092029  
735 W Wisconsin Ave., Suite 720  
Milwaukee, WI 53233  
(414) 377-0515; Fax (414) 755-0860  
dan@delaw-law.com

A copy of the foregoing filed electronically on July 16, 2014 with:

Clerk, U.S. Bankruptcy Court  
517 East Wisconsin Avenue  
Milwaukee, WI 53202

Copies of the foregoing mailed or sent electronically  
if the party named accepts electronic service on July 16, 2014:

Office of the U.S. Trustee  
517 East Wisconsin Avenue, #430  
Milwaukee, WI 53202

Mary B. Grossman  
PO Box 510920  
Milwaukee, WI 53203

City of Milwaukee-Treasurer  
200 E. Wells Street, Rm 103  
Milwaukee, WI 53202-3546

Gray and Associates, L.L.P.  
16345 West Glendale Drive  
New Berlin, WI 53151

/s/Caitlin York, Paralegal  
(Electronically file by)